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Maud Corne, a sister, the respondent in this suit, at Shanghai aforesaid.

2.—That after the said marriage, I lived and cohabited with the said Francis Reeks at Shanghai aforesaid, and that there has been issue of the said marriage three children, to wit, two sons and one daughter, one of which said sons is since deceased.

3.—I am informed and verily believe that on the 26th day of November, 1894, and other days between that day and this date, the said Francis Reeks committed and has committed adultery with Byram Rutledge of Shanghai aforesaid, whereof.

4.—That I say that there is no collusion or connivance between me and the said Francis Reeks in any way whatever.

The questions submitted to the jury were:—  
1.—Whether Francis Reeks the respondent committed adultery with Byram Rutledge, the co-respondent.

2.—Whether the said Rutledge, the co-respondent, in respect of the adultery by him committed, was a party to the same.

Mr. F. Ellis, in opening the case for the petitioner, having read the foregoing documents, said:—May it please your Lordship, and gentlemen of the jury, before I give you the details of this case I must ask you to extend to me a patient hearing and every indulgence. A very painful duty devolves upon me this morning, and I do not only on account of the nature of the case, but because the client has experienced a great difficulty in bringing certain witnesses to this Court to give evidence in his favour. I can appreciate, and I do appreciate, the natural reluctance which every one feels to come and give evidence in a case of this sort, but I do not follow why they should assume almost a certain hostility to coming forward and giving evidence to a man, who has, as I shall show you before this case has gone very far, sustained a great wrong. I cannot understand what the witnesses here for some time come forward and assist him in obtaining the legal redress which you will, I hope, give him. As stated in the petition, the petitioner and the respondent were married on the 9th of October, 1893. I shall bring evidence to show you that they lived happily together until the year 1892, when the co-respondent appears on the scene. It is, then, gentlemen, that a certain fiction arises between the petitioner and his wife on account of the conduct of the co-respondent, and as I shall show you, this fiction continues to this day. In the year 1892 the petitioner discovers evidence which leads him to believe that his wife has been unfaithful to him. He tells her she must leave him. She does so, and she goes to the French Hotel. She is there then approached by certain Nuns of the French School, with a view of inducing her to go into a branch of the Convent at Hongkong, known as the Institution of the Holy Family, with the idea of possibly reconciliation might be effected if she remained there for some time. She consents to do so, and she goes there in November, 1893. The petitioner will tell you that, after telling his wife that she must leave him, he went and took legal advice in regard to certain proceedings, and certain proceedings were taken. The petitioner will also tell you why those proceedings were discontinued. The respondent remained in the convent about a year, and shall show you that during this period the petitioner went to see his wife several times in the hope of becoming reconciled to her. He will tell you what was the attitude of his wife during those visits and how unaccountable to him at that time such an attitude was, and also how, since the discovery of certain letters, such conduct on the part of his wife is easily explained. I will also show you how the worthy efforts of those good women to bring about a reconciliation were frustrated by the unaccountable conduct of the co-respondent. And now, gentlemen, while I am touching on these letters, I would like to say one word in passing. It will be my duty, my painful duty, to read to you a few of these letters. I do not propose to read more than a few. They number in all about 60. They are, few, not only of the most horrible filth, but full of the most wicked hypocrisy, and most awful blasphemy. They are so brutal in their character that I cannot conceive any man writing such letters to the woman to whom he is married. The petitioner is then convinced, and convinced in the most painful way, of the full measure of his wife's guilt. Then there is no alternative for him but to institute the present proceedings. This, gentlemen, is the outline of this case and terrible story, and I will now call Mr. Smyth.

Mr. W. Smyth, Usher of the Court, was then called and gave evidence as to serving the respondent (Mrs. Reeks) with the petition on the 12th of January at No. 3, Club Chambers. She opened the door to witness. Apparently she was dressed to go out. Witness informed her it was a legal document and asked her when Mr. Rutledge would be in. She replied that he would be in at about seven o'clock. Witness called again at that time, when the boy said his master was not in, but would probably be in at about half-past eight. When the boy answered the door he said that Mrs. Reeks was not in. On the morning of the 14th witness called at half-past eight, and the boy shut the door and went away. He returned to the door in a few minutes and said "Mistake have got bath." Witness waited and the respondent came forward dressed in a morning wrapper with her hair hanging down. She said, "I've had one of those papers before." When served with the paper. Later in the day at about a quarter to eight, witness called again, and witness served co-respondent with a similar document. He saw Mrs. Reeks there at the time at the lower end of the hall. She was dressed exactly as in the morning.

By Mr. Hanson—Witness previously served Mrs. Reeks with a citation when she was staying in the convent last year.

Mr. Arthur James Francis Reeks, the petitioner, was then called and sworn. He said—I am the petitioner in this case and a clerk in the Imperial Maritime Customs at Shanghai. I was married to the respondent on the 9th of October, 1893, at H.B.M.'s Consulate General here. (Certificate produced.) There have been three children of the marriage, one is dead. I have been in Shanghai about fourteen years. In 1891 I was living at the French Hotel. Whilst there I was paralysed, and was seriously ill for about two years—1891-2. Shortly after I became ill I had to go to Japan. My wife felt the fact of my leaving her very much. She cried very much, and I really believe the woman loved me much. I went to Japan some time in June, 1891. Whilst I was struck down my wife did everything a woman possibly could do for me. I never gave her any special cause for complaint. I was not more irritable than a sick man is. I perhaps complained at the ring of the bell or when she said her ideas, giving fifteen cents for a five cents' ride. I remember saying: "Dolly, you ought to have married a Prince instead of a poor man." There were really the only words of complaint, as she herself confessed when she left me. At that time I was sitting myself to the utmost, for the purpose of sending her and the children to Chiochi. It was my sole

thought to give them a holiday, when one day I was very much surprised by receiving notice from Fuchs of a bill for \$150, a bill of which I had no idea. It was very much annoyed over this, as it took the bill up the end and showed it to her in the room. A quarrel ensued between us and I left the room. I at once went to Weeks & Co's, and there I found another bill of \$126 I went to Rovensky's and found a bill for \$48, and at Yuet Song's a bill for \$40. This woman was doing her best to ruin me. She never told me a word about these bills. This was in August, 1892. Before my wife knew the co-respondent she was not extravagant, she was most thrifty.

His Lordship—By this time her acquaintance with the co-respondent had begun?—Yes, it began early in 1892.

Witness proceeded said—At this time I was in the habit of giving my salary into her hands every month. I used to come home every month and deposit it in her hands. With the exception of once, when I had to pay my broker for an investment which I unfortunately made during a period of eighteen months I would give her my salary at the end of every month. I kept absolutely nothing. My wife paid every bill. I never saw a bill. In the first place my health was so very feeble that anything like that would have annoyed me. To speak half a dozen words was a trouble. I used to feel aversion to anybody coming into the room or speaking to me.

By Mr. Ellis—Where were you living in 1892, Mr. Reeks?

Can you tell me whether anything particular took place during that year?—Yes, one day she was very ill when I went to the office and she was very ill when I came back toiffin.

What month was this?—About the 7th of October, 1893. My wife was illing that day and I was anxious about her, as I always was, so at about half-past two I went home. I went into the bedroom. She was not there. Then I went into the bathroom. There she was, dressed and I saw round her neck a locket, which I immediately seized. I said to her: "What's that you have round your neck?" and she at once grasped my hand and said, "I'll show you." She then opened it and got her thumb over one portion of it. On the other side was her own photograph, but under her thumb I could not see, so I snatched it away, and there, under her thumb, I found Mr. Rutledge's wife.

From off her neck, I put it in my pocket and took it to the Custom House. That night I called my wife into the bedroom. She was in the nursery at the time and I made her take a solemn oath before God that she had not committed adultery with Mr. Rutledge. She did so and after taking a solemn oath she turned to me and said, "Now, do you want me to swear that I never kissed him also?" I believed her. I thought I believed the woman whom I had once loved. I certainly thought she had been imprudent, but I never thought her guilty, never.

After she had sworn to you in this solemn manner that she had not committed adultery with Mr. Rutledge, did you say anything to her?—Yes, after discussing this question over for a considerable time I was very much annoyed, and I told her she had better go to Japan. I thought perhaps that she was growing fond of this man, and I wanted to get her away from his influence.

The next day according to the diary was Sunday; did anything take place that day?—Yes, my wife got up and dressed herself rather early. I thought that it was singular, but I thought she was going to Church. She went out at about 7 or 7.30 and did not return until 11.30. The service at the Roman Catholic Church commenced at about 6 a.m. and go on every half-hour, I think, until about 10.

When she came back, apparently from Church, I asked her where she had been. We were discussing about her going to Japan and she told me that she was not going by the Nippon Yusen Kaisha steamer that week, but by the French mail. I did not either agree or dissent, but that night, when I was sitting and smoking in the bedroom, she thought it was strange she should know anything about the movements of the steamers, and the thought passed through my mind that during the morning she had seen him. I was then sitting in the morning when she had seen him, and she told me the Steamer Road. Then, I thought, perhaps she had been up to his rooms, and I told her with it. I could see I had dropped on the truth and I accused her still more strongly. Finally she admitted she had been up to his rooms. Then I told her she must leave me.

When you told her she must leave you what did she say?—She agreed to it with alacrity. She was quite willing. She left in a day or two and went to the French Hotel, I think on the 17th of October, 1893. I saw her at one of the windows of the Hotel afterwards. I think she remained there until she went to the Institution of the Holy Family, about the 21st or 22nd of November.

Do you know the handwriting of the co-respondent?—Yes. That letter (produced) is in his handwriting.

Mr. Ellis—There is no particular year on this letter. It is dated 3rd June, but I think Mr. Hanson will admit that it is written in 1894.

Mr. Hanson—Yes, it is apparently written in 1894. The witness has not stated how he got possession of that letter.

His Lordship—How do you account for the possession of that letter?

Witness—I found it with others in her trunk about the 19th of October, 1894. I found a bundle.

His Lordship—Roughly, how many?

Witness—About sixty.

His Lordship—All in the handwriting of the co-respondent?

Witness—All.

Mr. Ellis then proceeded to read the letter, which was an extremely long one, and seemingly written at different times. It will be sufficient to give extracts from it.

My Maud, my Maud, my own dearest, darling, loving wife, Maud—Oh, my love, my life, my all in all! This Sunday, love, the 31st, 11 a.m. Darling, I did not write to you till yesterday, after I received your most kind and loving note, for although the note was all that a man could desire, it was pointed with it, for you do not get strong, love, and this makes me very, very melancholy and exceedingly sad. Darling, oh, how I wish you were with me so that we could share one another's pain, and sorrows and weakness, and try to cheer up one another. Why should we wait until the 10th of December, I do not know, darling, for your year will be up on the 21st of November, and since leaving me it will be considerably over the year. You left me on the 11th of October. Oh, that happy, happy day! Well, love, I read your and melancholy note at 11 a.m. Yes, darling, and after this I felt so sorrowful about you that I went and lay down on the bed, where we had so often and often lain together. I read your loving note again, while I was lying down and after reading it I felt as if I was dying. When I woke up it was 3 p.m. I thought and thought much of the events of the past and I prayed to God. As soon as I had read the 2.30 p.m. prayer I went to the Club and washed my hands and eyes. There were only two other men in the

Club. These were reading, so you can imagine what kind of a time I had, darling. At 4.30 p.m. I prayed and then sat in the Club verandah by myself, and there was scarcely anyone else but myself. Well, love, as I sat there what else could I do but think and think of you, my own, my darling. I asked God to unite us and make us one, and let us not be separated from one another. I prayed and asked for God's mercy, and then salt and bitter tears came into my eyes. I was so sad at all this, darling, and having passed such a miserable afternoon. I was truly glad when dinner time came. I came home and took a plate of chow. Well, till 8.30, prayed, then read, but I could not make out one word from another, and I went to bed, love, and so passed Saturday afternoon. In the past Saturday afternoon used to be spent so happily, for a year ago we spent time together at our own home. In the winter before that I used always to go to the French Hotel to fetch you to go to the paper huts, and before starting we always enjoyed ourselves. Then the summer before that we used to go to the French Hotel and stop at our tree near the Pole, and there we were so happy, but I could not make out one word from another, and I went to bed, love, and so passed Saturday afternoon. In the past Saturday afternoon used to be spent so happily, for a year ago we spent time together at our own home. In the winter before that I used always to go to the French Hotel to fetch you to go to the paper huts, and before starting we always enjoyed ourselves. Then the summer before that we used to go to the French Hotel and stop at our tree near the Pole, and there we were so happy, but I could not make out one word from another, and I went to bed, love, and so passed Saturday afternoon. 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